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December 8, 2020

Via ECF and E-Mail

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Edgardo Baranco*
20 Cr. 135 (JMF)

Dear Judge Furman:

As Your Honor is aware, I was appointed independent “*Curcio*” counsel to Mr. Edgardo Baranco in the above-referenced matter, appointed pursuant to the provisions of the Criminal Justice Act (“CJA”), 18 U.S.C. §3006A. This correspondence is to respectfully request a two-week extension of time to submit a letter responsive to the Court’s Order of November 19, 2020.

The Court will recall that on November 19, 2020, a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982), was conducted at which I was appointed independent counsel to Mr. Baranco to advise him on a potential conflict of interest. The Court ordered that I consult with Mr. Baranco and submit a letter by December 10, 2020, indicating either: (i) that Mr. Baranco requests the appointment of a new, conflict-free counsel; or (ii) that Mr. Baranco would like to waive any conflicts of interest, with analysis of the potential conflict and providing my view on whether the potential conflict is waivable.

As of the time of this writing, Mr. Baranco is still undecided and we respectfully request a brief adjournment so that we can obtain additional information that is critical to Mr. Baranco’s decision. Specifically, the Government has indicated that it does not want Mr. Baranco to be aware of the name of the other defendant in this potential conflict sce-

nario, out of an abundance of caution relating to both confidentiality and safety. While I have to this point conferred with Mr. Baranco without advising him of the other defendant's name, we feel that this information is necessary to fully assess the circumstances, including the range of possible conflicts and the likelihood thereof. Thus, we requested that the Government reconsider its position, and the Government is in the midst of internal discussions on the issue. We therefore request the additional time to continue discussions with the Government and for Mr. Baranco to reach a decision.¹

Based upon my communications with A.U.S.A. Brandon Harper and Christine Delince, Esq., the parties consent to this request for adjournment.

Therefore, for the reasons stated herein, we respectfully request that the Court grant this application and extend the time for submission of my letter to December 24, 2020, or any time thereafter convenient to the Court.

We thank the Court for its attention to this matter.

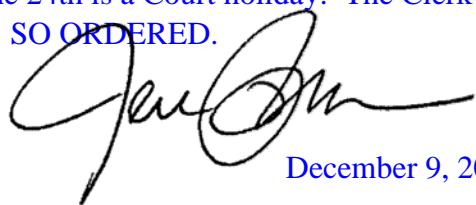
Respectfully submitted,

/s/ Richard J. Ma

Richard J. Ma, Esq.

cc: A.U.S.A. Brandon Harper (via email)
Christine Delince, Esq. (via email)

Application GRANTED, except that the deadline is extended only to December 23, 2020, as the 24th is a Court holiday. The Clerk of Court is directed to terminate ECF No. 308. SO ORDERED.



December 9, 2020

¹ Additionally, we note that the other defendant in this potential conflict scenario is nearing a decision, which decision may obviate the need for further *Curcio* proceedings herein.